

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

CASEY MULLINS, et al.

*

Plaintiffs

*

vs.

* ***Civil Action No.: 1-02-CV-1634***

BALTIMORE CITY, MARYLAND, et al.

*

Defendants

*

**MEMORANDUM IN SUPPORT OF PLAINTIFF'S RESPONSE TO
DEFENDANT'S MOTION TO DISMISS/SUMMARY JUDGMENT**

The Plaintiffs, Casey and Jeremy Mullins submit the following Memorandum:

A. Material Facts in Dispute

1. *That on May 19, 2001, Casey Mullins and Jeremy Mullins upon exiting the tunnel at the Pimlico Race Track were beaten/battered by numerous Baltimore City Police officers.*

2. *That Officer Jan Rollon was one of the officers.*

B. Facts Evidencing that the Defendant, Jan Rollon Participated in the Assault and Battery

1. *Jan Rollon was one of ten (10) officers assigned to police the tunnel area on May 19, 2001. See, Deposition of Sergeant Gary Klado attached as **Exhibit #1** at pages 6, 7 identifying the roster of officers assigned to the tunnel attached as **Exhibit #2**.*

2. *That the Defendant, Jan Rollon was on duty at the tunnel on May 19, 2001. See, Deposition of Jan Rollon attached as **Exhibit #3** at pages 5, 6.*

3. *Robert Goble, a witness to the assault, has described one of the officers, fitting the description of Officer Jan Rollins, i.e., a tall black male in uniform, who beat Jeremy Mullins with a baton.*

4. Only one tall black male in uniform was on duty at the tunnel that day; the only other black male officer on the roster did not work that day. See Deposition of Officer Jenkins Bey attached as **Exhibit #4** at pages 4,5 and 6.

C. Argument

Viewed in the light most favorable to the Plaintiffs, the Plaintiffs have met their burden of proof with evidence supporting a prima facie case that Jan Rollins participated in the assault/battery.

Further, the Defendant, Rollins' assertion that he did not participate or is unaware of any such assault is a self serving declaration that should be left to determination by the finder of fact. If the jury finds an assault took place, then it would also be within their province not to believe the Defendant.

The Plaintiffs respectfully request that this Honorable Court deny the Defendant's Motion to Dismiss/Summary Judgment.

Respectfully submitted

/s/ H. Jeffrey Tabb
H. Jeffrey Tabb, Esquire
8955-A Edmonston Road
Greenbelt, Maryland 20770
(301) 441-3636
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this **30th** day of **July**, 2004, a copy of the foregoing **Memorandum in Support of Plaintiff's Response to Defendant's Motion to Dismiss/Summary Judgement** was mailed postage prepaid, first-class to: Troy A. Priest, Esquire Brown, Diffenderffer & Kearney, LLP, Tide Building, Suite 300, 1010 Hull Street, Baltimore, Maryland 21230 and Neal M. Janey, Esquire, 10 North Calvert Street, Suite 722, Baltimore, Maryland 21202.

/s/ H. Jeffrey Tabb
H. Jeffrey Tabb

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

CASEY MULLINS, et al.

*

Plaintiffs,

*

v.

*** Civil Action No.: 1-02-CV-1634**

OFFICER THOMAS DUGAN, et al.

*

Defendants.

*

REQUEST FOR HEARING

The Plaintiffs, Casey Mullins, et al. request a hearing on the Defendant's Motion to Dismiss/Summary Judgment.

Respectfully submitted

/s/ H. Jeffrey Tabb

H. Jeffrey Tabb, Esquire

8955-A Edmonston Road

Greenbelt, Maryland 20770

(301) 441-3636

Attorney for Plaintiffs

CERTIFICATE OF SERVICE

*I hereby certify that on this 30th day of July, 2004, a copy of the foregoing **Request for Hearing** was mailed postage prepaid, first-class to: Troy A. Priest, Esquire Brown, Diffenderffer & Kearney, LLP, Tide Building, Suite 300, 1010 Hull Street, Baltimore, Maryland 21230 and Neal M. Janey, Esquire, 10 North Calvert Street, Suite 722, Baltimore, Maryland 21202.*

/s/ H. Jeffrey Tabb

H. Jeffrey Tabb